

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO.CR05-95C

Plaintiff,

V.

RANDLE LEE CODY,

Defendant.

**PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF PRE-TRIAL RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on September 7, 2005. The United States was represented by John Lulejian the defendant was represented by Peter Avenia. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been charged with Uttering Counterfeit Obligations or Securities and has plead guilty. The conditions of pre-trial release included requirements that defendant comply with the standard and specific conditions.

ALLEGED VIOLATIONS AND THE DEFENDANT'S ADMISSION

USPSO Lonnie G. Kaman alleged that the defendant violated the conditions of pre-trial supervision in three respects:

- 1 (1) He changed his residence without prior approval on or about July 22, 2005;
2 (2) He consumed alcohol on or about July 25, 2005;
3 (3) He failed to report for drug and alcohol testing on or about July 25, 2005.

4

5 At this initial hearing, I advised the defendant of these charges and of his constitutional rights.
6 At today's hearing defendant admitted the violations #one through three, waived any hearing as to
7 whether it occurred. Having found the violations, the Court heard testimony concerning items found
8 in the defendant's new residence. Officer Kaman reported that a bottle labeled (approximately) "use
9 to avoid positive drug detection" was discovered by the home owner. The owner believed that this
10 was something which suggested to her that the defendant was still using drugs. Largely based upon
11 this discovery, when coupled with the admitted violations, the Court has detained the defendant.

12

13 RECOMMENDED FINDINGS AND CONCLUSIONS

14 Based upon the foregoing, I found that defendant has violated the conditions of his pre-trial
15 release as alleged. Defendant has been detained pending a final determination by the court.

16 DATED this 14th day of September, 2005.

17 

18 _____
19 Monica J. Benton
20 United States Magistrate Judge
21
22
23
24
25
26
27
28